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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,101	01/02/2004	George A. Loegering	L3-029-01-US	1343
22854	7590	05/13/2005	EXAMINER	
MOORE, HANSEN & SUMNER, PLLP 225 SOUTH SIXTH ST MINNEAPOLIS, MN 55402			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,101

Applicant(s)

LOEGERING ET AL.

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9,12-14,18,19 and 35-39 is/are rejected.
- 7) ☒ Claim(s) 4-8,10,11,15-17,20-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The disclosure is objected to because of the following issues:

The following elements lack antecedent basis:

in Claims 4, 16, 20 – distance,

in Claim 5 – length, range,

in Claim 11 – magnitude,

in Claim 17 – range,

in Claim 19 – ground-contacting extent,

in Claim 20 – distance, rotational (both second occurrences),

In Claim 28, “positioned” should be preceded by “is”.

In Claim 36, the second occurrences of “first/second wheel flange” should be preceded by “the”.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Claims are unclear because they lack sufficient structure to achieve respective functions such as “to automatically compensate for vehicles whose wheel axes are misaligned/have irregular rotational movement such as runout/wobble.” That is, the claims fail to define any structure to accomplish these functions, but are merely conclusionary. (*In contrast*, similar Claims 23-30 recite sufficient structure.)

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9, 12-14, 18, 19 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Phely 2002/0017403.

Re **Claims 1-3, 9, 12-14, 18, 19, 35**, Phely discloses an apparatus 10 for converting a wheeled vehicle into a tracked vehicle (paragraphs 36, 60) comprising

Support frame 14,

First 42, and second 38, hub assemblies to be fastened to first, second axles/wheel flanges (fig 2; unidentified, inherent axles/wheel flanges) in which the wheels have been removed (paragraphs 36, 60), each assembly including

Track-receiving surface/projection 32 of sprocket 28, and,

First 40A, and second 40E, spaced-apart rollers connected to the support frame,

First/second attachment members connecting each respective assembly to the support frame (fig 2; unidentified, inherent elements of the apparatus 10),

Endless track 12 encircling both assemblies.

Wherein two wheels on one side of a wheeled vehicle is replaced by the apparatus,

Suspension system for reducing oscillation of the vehicle due to travel over an uneven surface comprising

Resilient member 46 (paragraph 46), including elements 48,50, positioned substantially between first/second attachment member and the support frame,

Articulating connection (fig 3), including elements 18,52,66,70, included in first/second attachment member,

Wherein the resilient member resists movement of the articulating connection (paragraph 46) as it moves in response to travel over an uneven surface.

Re **Claims 36-39**, the reference further discloses a method of converting a wheeled vehicle to a tracked vehicle, the steps derived from the structure/means provided above, including

Fastening each track assembly to the wheel flanges via pre-configured apertures, lugs 12 and nuts 14 (all unidentified, inherent).

4. **Claims 4-8, 10, 11, 15-17, 20-34** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and any 112 issues resolved.

Prior art does not disclose the apparatus described above further comprising, *inter alia*, the distance between the hub assemblies being adjustable relative to the support frame.

5. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Gleasman et al 6135220, Grawey et al; Re. 37174, Rawson et al 5855248, Smith et al 5361860, Price 5018591, Gey 4865141, Hildebrand 4459932, Peck 1348315.

6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 272 6651. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
5/11/05

